

**BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

DEBORAH ANN RYAN

17967 Walnut Road
Castro Valley, CA 94546

Respondent.

Case No. AR 2007-381

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on initial date of certification.

It is so ORDERED November 25, 2008.


FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER, State Bar No. 141461
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-1404
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. AR 2007-381

12 **DEBORAH ANN RYAN**

OAH No.

13 17967 Walnut Road
Castro Valley, CA 94546

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Heather Martin (Complainant) is the Executive Officer of the California
21 Board of Occupational Therapy. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Jonathan D. Cooper, Deputy Attorney General.

24 2. Respondent Deborah Ann Ryan (Respondent) is representing herself in
25 this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about April 30, 2008, Respondent filed an application dated April
27 28, 2008, with the California Board of Occupational Therapy to obtain an Occupational Therapy
28 Assistant Certificate.

1 **JURISDICTION**

2 4. Statement of Issues No. AR 2007-381 was filed before the California
3 Board of Occupational Therapy (Board) , Department of Consumer Affairs, and is currently
4 pending against Respondent. The Statement of Issues and all other statutorily required
5 documents were properly served on Respondent on October 21, 2008. Respondent timely filed
6 her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AR
7 2007-381 is attached as exhibit A and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Statement of Issues No. AR 2007-381. Respondent has also carefully read, and understands
11 the effects of this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
14 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
15 against her; the right to present evidence and to testify on her own behalf; the right to the
16 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
17 the right to reconsideration and court review of an adverse decision; and all other rights accorded
18 by the California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in
23 Statement of Issues No. AR 2007-381.

24 9. Respondent agrees that her application for an Occupational Therapy
25 Assistant Certificate is subject to denial and agrees to be bound by the California Board of
26 Occupational Therapy (Board) 's imposition of discipline as set forth in the Disciplinary Order
27 below.

28 ///

1 cooperate with representatives of the Board in its monitoring and investigation of the
2 respondent's compliance with probation. Respondent, within ten (10) days of completion of the
3 quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance
4 form obtained from the Board.

5 3. **Personal Appearances.** Upon reasonable notice by the Board, respondent
6 shall report to and make personal appearances at times and locations as the Board may direct.

7 4. **Notification of Address and Telephone Number Change(s).**
8 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
9 mailing address, of her new address and any change in work and/or home telephone numbers.

10 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**
11 In the event respondent should leave California to reside or to practice outside the State for more
12 than thirty (30) days, respondent shall notify the Board or its designee in writing within ten (10)
13 days of the dates of departure and return. All provisions of probation other than the quarterly
14 report requirements, examination requirements, and education requirements, shall be held in
15 abeyance until respondent resumes practice in California. All provisions of probation shall
16 recommence on the effective date of resumption of practice in California.

17 6. **Notification to Employer(s).** When currently employed or applying for
18 employment in any capacity in any health care profession, Respondent shall notify her employer
19 of the probationary status of respondent's certificate. This notification to the current employer
20 shall occur no later than the effective date of the Decision. Respondent shall notify any
21 prospective health care employer of her probationary status with the Board prior to accepting
22 such employment. This notification shall be made by providing the employer or prospective
23 employer with a copy of the Board's Accusation and Stipulated Settlement and Disciplinary
24 Decision and Order.

25 Respondent shall cause each health care employer to submit quarterly reports to
26 the Board. The reports shall be on a form provided by the Board, shall include a performance
27 evaluation and such other information as may be required by the Board.

28 Respondent shall notify the Board, in writing, within five (5) days of any change

1 in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
2 terminated from any occupational therapy or health care related employment with a full
3 explanation of the circumstances surrounding the termination.

4 7. **Employment Requirements and Limitations.** During probation,
5 respondent shall work in her certificated capacity in the State of California. This practice shall
6 consist of no less than (6) continuous months and of no less than twenty (20) hours per week.

7 While on probation, respondent shall not work for a registry or in any private duty
8 position, except as approved, in writing, by the Board. Respondent shall work only on a
9 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
10 capacity except as approved, in writing, by the Board.

11 8. **Supervision Requirements.** Respondent shall obtain prior approval from
12 the Board, before commencing any employment, regarding the level of supervision provided to
13 the respondent while employed as an occupational therapy assistant.

14 Respondent shall not function as a supervisor during the period of probation
15 except as approved, in writing, by the Board.

16 9. **Continuing Education Requirements.** Respondent shall complete
17 continuing education in the area of Documentation, Ethics, and Stress Management. The
18 continuing education course work in the area of Documentation, shall be completed within 60
19 days from the effective date of this Decision. The remaining continuing education course work
20 shall be completed within 9 months of the effective date of this Decision. The continuing
21 education course work shall be in addition to the professional development activities required for
22 license renewal.

23 Respondent shall complete the required continuing education course work as
24 follows: one course in Documentation for four (4) hours of credit, one course in Ethics for four
25 (4) hours of credit, and one course in Stress Management for four (4) hours of credit, totaling 12
26 combined hours of continuing education. Within 30 days of the effective date of the Decision,
27 Respondent shall submit a written plan to comply with this requirement. The Board shall approve
28 such plan prior to enrollment in any course of study.

1 Failure to satisfactorily complete the required continuing education as scheduled
2 shall constitute a violation of probation. Respondent is responsible for all costs of such
3 continuing education. Upon successful completion of the course(s), respondent shall cause the
4 instructor to furnish proof to the Board within thirty (30) days of course completion.

5 10. **Maintenance of Valid Certificate.** Respondent shall, at all times while
6 on probation, maintain an active current certificate with the Board, including any period during
7 which the certificate is suspended or probation is tolled.

8 11. **Chemical Dependency Support/Recovery Groups.** Within five (5) days
9 of the effective date of the Decision, respondent shall begin attendance, minimum twice per
10 week, at a chemical dependency support group (e.g., Alcoholics Anonymous, Narcotics
11 Anonymous). Verified documentation of attendance shall be submitted by respondent with each
12 quarterly report. Respondent shall continue attendance in such a group for the duration of
13 probation.

14 12. **Abstain From Controlled Substances.** Respondent shall completely
15 abstain from the personal use or possession of controlled substances, as defined in the California
16 Uniform Controlled Substances Act, and dangerous drugs as defined in sections 4021 and 4022
17 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner
18 for a bona fide illness.

19 13. **Abstain From Use of Alcohol.** Respondent shall completely abstain from
20 the use of alcoholic beverages during the period of probation.

21 14. **Submit Biological Fluid Samples.** Respondent shall immediately submit
22 to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There
23 will be no confidentiality in the test results; positive test results will be immediately reported to
24 the Board and the respondent's current employer.

25 15. **No Early Termination or Modification of Probation.** Respondent
26 waives her rights to petition for early termination and modification of probation. Respondent
27 shall not apply for early termination or modification of probation.

28 16. **Violation of Probation.** If respondent violates probation in any respect,

1 of Consumer Affairs.

2

3 DATED: 11/5/08

4

EDMUND G. BROWN JR., Attorney General
of the State of California

5

FRANK H. PACOE
Supervising Deputy Attorney General

6

7

8



JONATHAN D. COOPER
Deputy Attorney General

9

Attorneys for Complainant

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28